IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 28450 of 2005(J)

PETITIONER:

SIMITHA C.M., KOOTHATTU HOUSE,
CHIRANGARA, KORATTI EAST P.O.,
THRISSUR-680 308.

BY ADV. SRI.B.RAGUNATHAN
SRI.V.V.MATHEW

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2. DISTRICT COLLECTOR, COLLECTORATE,
THRISSUR-680 003.

3. DIRECTOR OF SURVEY AND LAND RECORDS,
PUBLIC OFFICE BUILDING,
THIRUVANANTHAPURAM-695 033.

4. DIRECTOR OF EMPLOYMENT, THYCAUD,
THIRUVANANTHAPURAM-695 014.

5. DEPUTY DIRECTOR,
SURVEY AND LAND RECORDS, THISSUR-680 003.

6. THE DIVISIONAL EMPLOYMENT OFFICER,
THRISSUR-680 003.

7. EMPLOYMENT OFFICER,
TOWN EMPLOYMENT EXCHANGE,
IRINJALAKUDA, THRISSUR-680 121.

BY GOVERNMENT PLEADER SRI. P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE CERTIFICATE DATED 22.1.2003 ISSUED BY THE MEDICAL BOARD, MEDICAL COLLEGE HOSPITAL, THRISSUR.

EXHIBIT-P2: TRUE COPY OF THE CERTIFICATE DATED 8.4.1996 (REG. NO.15783) ISSUED BY THE STATE BOARD OF TECHNICAL EDUCATION

EXHIBIT-P3: TRUE COPY OF THE REQUISITION DT. 3.7.03 OF THE 2ND RESPONDENT

EXHIBIT-P4: TRUE COPY OF LETTER NO.A4-20407/04 DT.24.12.2004 OF THE 2ND RESPONDENT

EXHIBIT-P5: TRUE COPY OF LETTER NO. N (1) 1290/05 DATED 12.5.2005 OF THE 7TH RESPONDENT

EXHIBIT-P6: TRUE COPY OF EXTRACT OF THE ADVICE LIST FROM WHICH APPOINTMENT TO THE POST OF DRAFTSMAN GR.II MADE IN THRISSUR DISTRICT

EXHIBIT-P7: TRUE COPY OF THE REPRESENTATION DT.19.5.2005 ADDRESSED TO THE 2ND RESPONDENT

EXHIBIT-P8: TRUE COPY OF THE CERTIFICATE NO.24/05 DATED 2.3.2006

RESPONDENTS EXHIBITS:

EXHIBIT R7 (a): TRUE COPY OF THE REGISTRATION INDEX CARD

EXHIBIT R7 (b): TRUE COPY OF THE LETTER NO.A4/287/97 DT.15.10.99

EXHIBIT 7 (c): TRUE COPY OF THE GOVERNMENT ORDER

/TRUE COPY/

K.BALAKRISHNAN NAIR,J.

W.P (C) No. 28450 of 2005

Dated this the 9th day of July, 2007

J U D G M E N T

The petitioner is a physically handicapped person. She is a Diploma holder in Civil Engineering. She has registered with the 7th respondent - Employment Officer. When the District Collector invited applications for appointment to 10 posts of Draftsman Gr.II in the Survey and Land Records Department from the physically handicapped persons, she submitted an application. Though the petitioner was called for interview pursuant to her application, she was not considered for selection on the ground that she does not possess the prescribed qualification. The same is evident from Exhibit-P5 communication from the 7th respondent - Employment Officer. According to the said officer, the petitioner does not have any of the prescribed qualifications for the said post as per the Special Rules. She submitted Exhibit P7 representation pointing out that the P.S.C is accepting Diploma in Civil Engineering as sufficient qualification for Draftsman Gr.II in Survey and Land Records Department. Feeling aggrieved by the stand taken by the 7th respondent, this writ petition is filed.

2. The 7th respondent has filed a counter affidavit supporting the impugned order.

3. I heard the Learned Government Pleader for the respondents also. The point raised by the petitioner is covered by the decision of this court dated 16.8.2006 in W.P (C) No.33878/2004 and connected cases. Now even the P.S.C. is accepting Diploma in Civil Engineering as sufficient qualification for appointment to the post of Draftsman Gr.II, for the reason that it is a higher qualification. In cases, where the acceptance of equivalent qualification is provided for in the Special Rules, such of those higher qualifications, which pre-supposes the acquisition of the lower qualification prescribed for the post as contemplated under Rule 10 (a) (ii) of K.S.& S.S.R are also acceptable. In view of the above position, Exhibit-P5 is quashed. It is declared that the petitioner is qualified to be appointed as Draftsman Gr.II in the Survey and Land Records Department. The 7th respondent is directed to sponsor the name of the petitioner for appointment to the above post and the 2nd respondent is directed to include the name of the petitioner and others in the selection process, who are eligible in the light

of the above declaration. The District Collector is directed to complete the selection process and make the appointments, in accordance with law, as expeditiously as possible. The proceedings in this regard shall be completed by Respondents 2, 6 and 7, within three months from the date of production of a copy of this judgment.

(K.BALAKRISHNAN NAIR, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007